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Attorney for Defendant

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

JAMES M. KINDER,)	Case No. 3:07-cv-02132-H-CAB
)	
Plaintiff,)	NOTICE OF MOTION;
)	MOTION FOR PARTIAL
-against-)	JUDGMENT ON THE
)	PLEADINGS
NATIONWIDE RECOVERY SYSTEMS, LTD.,)	
)	Date: January 22, 2008
Defendant.)	Time: 10:30 a.m.
)	Place: Courtroom 13

TO ALL PARTIES AND THEIR ATTORNEYS:

PLEASE TAKE NOTICE that on January 22, 2008 at 10:30 a.m., or as soon thereafter as counsel may be heard by the above-entitled Court, located at 940 Front Street, San Diego, California 92101, defendant, Nationwide Recovery Systems, Ltd. ("NRS"), will and hereby does move this Court for Partial Judgment on the Pleadings.

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1 NRS requests that the Court grant its Motion for Partial Judgment on the Pleadings,
2 per Fed. R. Civ. P. 12(c), and dismiss the claims filed by plaintiff, James M. Kinder. NRS's
3 motion is based on this notice of motion and motion, accompanying memorandum of points
4 and authorities, the pleadings and papers on file herein, and other such matters as may be
5 presented to the Court at the time of the hearing.
6

7 Dated: December 3, 2007

Sessions, Fishman & Nathan in California, L.L.P.

8
9 /s/ Debbie P. Kirkpatrick

Debbie P. Kirkpatrick

Attorney for Defendant,

Nationwide Recovery Systems, Ltd.

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1 CASE NAME: KINDER v NATIONWIDE RECOVERY SYSTEMS, LTD.
2 CASE NO: 37-2007-67042-CU-MC-CTL

3 **PROOF OF SERVICE**

4 I, the undersigned, hereby certify that I am a citizen of the United States, over the age
5 of 18 years and not a party to the within action; my business address is 3667 Voltaire
Street, San Diego, California 92106. On this date I served the within:

6 **NOTICE OF MOTION; MOTION FOR PARTIAL
JUDGMENT ON THE PLEADINGS**

7 (XX) BY U.S. MAIL

8 I served a true and correct copy of the above-named documents by mail by
9 placing the same in a sealed envelope with postage fully prepaid, and depositing said
envelope in the U.S. mail at San Diego, California. Said envelope(s) was/were
addressed as listed hereafter:

10 () BY FACSIMILIE MACHINE

11 I caused to be transmitted by facsimile machine a true copy of the above-named
12 documents to the below listed. Attached hereto is the Confirmation Report confirming
the status of the transmission.

13 () BY PERSONAL SERVICE

14 I caused to be served by hand a true copy of the above named document as
15 listed hereafter.

16 Chad Austin, Esq.
17 3129 India St.
18 San Diego, CA 92103

19 I declare under penalty of perjury under the laws of the State of California that the
20 foregoing is true and correct.

21 Dated: December 5, 2007

22 _____
Marilyn Winder